

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

UNITED THERAPEUTICS CORPORATION,
Plaintiff-Appellant

v.

LIQUIDIA TECHNOLOGIES, INC.,
Defendant-Appellee

2024-1658

Appeal from the United States District Court for the
District of Delaware in No. 1:20-cv-00755-RGA, Judge
Richard G. Andrews.

ON MOTION

Before LOURIE, DYK, and REYNA, *Circuit Judges*.
DYK, *Circuit Judge*.

O R D E R

United Therapeutics Corporation (“UTC”) moves pursuant to Rule 8 of the Federal Rules of Appellate Procedure to stay, pending appeal, the district court’s March 28, 2024 order and amended final judgment. UTC also moves to

expedite this appeal. Liquidia Technologies, Inc. opposes the motion.

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to stay a judgment pending appeal. Our determination is governed by four factors: (1) whether the movant has made a strong showing of a likelihood of success on the merits; (2) whether the movant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009).

Based on the papers submitted and without prejudicing the ultimate disposition of the appeal, we deny the request for a stay pending appeal. We grant the request to expedite to the extent that the opening brief is due no later than May 15, 2024; the response brief is due no later than June 24, 2024; the reply brief is due no later than July 8, 2024; the joint appendix is due no later than July 11, 2024; and the case shall be placed on the September 2024 oral argument calendar. No extensions will be granted.

Accordingly,

IT IS ORDERED THAT:

The motion is denied with respect to the request to stay and granted with respect to the request to expedite only to the extent provided in this order.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

May 9, 2024
Date